

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**SMS DEMAG AG**

**PLAINTIFF**

**v.**

**CASE NO. 3:06-CV-0060 GTE**

**XTEK, INC.**

**DEFENDANT**

**ORDER**

Presently before the Court are Plaintiff's Motion to Compel (Docket No. 52), Defendant's Motion for Schedule Setting Dates for Exchange of Information Relating to the Joint Claim Construction Statement (Docket No. 65), and Defendant's Motion for Leave to File Reply Brief (Docket No. 68).

Plaintiff has informed the Court that Defendant Xtek has now complied with the discovery requests addressed in its Motion to Compel. Therefore, Plaintiff's Motion to Compel Discovery is denied as moot.

Additionally, the parties have presented a stipulated order to resolve this issue, which has been entered by the Court. Therefore, Defendant's Motion for Schedule Setting Dates for Exchange of Information Relating to the Joint Claim Construction Statement and Defendant's Motion for Leave to File Reply Brief are denied as moot.

Accordingly,

IT IS THEREFORE ORDERED THAT Plaintiff's Motion to Compel Discovery (Docket No. 52) be, and is hereby, DENIED as moot .

IT IS FURTHER ORDERED THAT Defendant's Motion for Schedule Setting Dates for

Exchange of Information Relating to the Joint Claim Construction Statement (Docket No. 65) be, and is hereby, DENIED as moot.

IT IS FURTHER ORDERED THAT Defendant's Motion for Leave to File Reply Brief (Docket No. 68) be, and is hereby DENIED as moot .

IT IS SO ORDERED THIS 11<sup>th</sup> day of January, 2007.

/s/Garnett Thomas Eisele  
UNITED STATES DISTRICT JUDGE